

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

NEKECHIE MILLER,

Plaintiff,

v.

BRIDGESTONE AMERICAS TIRE
OPERATIONS, LLC,

Defendant.

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1:21-CV-437-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Dustin Howell concerning Defendant Bridgestone Americas Tire Operations, LLC's motion to dismiss (Dkt. 21). (R. & R., Dkt. 24). Plaintiff Nekechie Miller filed an objection, (Dkt. 25), and Defendant filed a response, (Dkt. 26).

A party may serve and file specific, written objections to a magistrate judge's findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiff timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*. Having done so and for the reasons given in the report and recommendation, the Court overrules Plaintiff's objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 24), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendant's motion to dismiss, (Dkt. 21), is **GRANTED**.

IT IS FINALLY ORDERED that Plaintiff's claims are **DISMISSED** without prejudice.

Plaintiff shall file a motion for leave to amend, if at all, on or before April 26, 2023.

SIGNED on April 12, 2023.

A handwritten signature in blue ink, appearing to read "R. Pitman", written over a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE